

U.S. Patent Application No. 09/900,533
Amendment After Final dated June 28, 2006
Reply to Final Office Action dated February 27, 2006
and Advisory Action dated June 8, 2006

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

In this amendment, claims 25, 26, 28, and 34 have been canceled. Claims 27, 29-32, 35-40, 42-44, 53, 54, 56, 57, and 59 have been amended to be either dependent on claim 33 or claim 41. It is noted that claim 33 and claim 41 have been allowed in the final Office Action.

No questions of new matter should arise since the amendment simply changes the dependency of certain claims and cancels certain claims. Full support for the amendment can be found throughout the present application, including the claims as originally filed. Furthermore, this amendment raises no new questions of patentability since the dependency of the claims is only being changed and claims are being canceled; therefore, no further searching is necessitated by this amendment. Further, this amendment places the application in condition for allowance since the claims are dependent on allowed claims 33 and 41. Accordingly, for these reasons, entry of this amendment is respectfully requested.

Rejection of Claims 25-32, 34-40, 42-54, and 56-59 Under 35 U.S.C. §112, First Paragraph

At page 2 of the Office Action, the Examiner rejects claims 25-32, 34-40, 42-54, and 56-59 under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. The Examiner alleges that the present application does not teach that the pH of the fluid compositions may be at a level of 9 to 14, when only an acid is used in the fluid. For the following reasons, this rejection is respectfully traversed.

While the applicants believe the arguments previously submitted in the Request for

U.S. Patent Application No. 09/900,533
Amendment After Final dated June 28, 2006
Reply to Final Office Action dated February 27, 2006
and Advisory Action dated June 8, 2006

Reconsideration dated May 25, 2006 show the proper support for claims 25 and 34 and the claims dependent thereon, to further prosecution of this application and without admitting to the appropriateness of the rejection, claims 25 and 34, as well as claims 26 and 28, have been canceled. The remaining claims that were dependent on claims 25 and 34 have been amended to be dependent now on allowed claim 33 or allowed claim 41. Accordingly, for these reasons, this rejection should be withdrawn.

Provisional Obviousness-Type Double Patenting Rejection of Claims 1, 3, 5-18, 20, and 22-24

At page 3 of the Office Action, the Examiner provisionally rejects claims 1, 3, 5-18, 20, and 22-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 of co-pending U.S. Patent Application Number 10/216,048. For the following reasons, this rejection is respectfully traversed.

Since the present application is now in condition for allowance, this provisional obviousness-type double patenting rejection should be withdrawn. The issues raised by the applicants can be addressed in the co-pending application, U.S. Patent Application No. 10/216,048.

In view of the above comments, the applicants believe that all claims are now in condition for allowance and that the provisional obviousness-type double patenting rejection can be removed at this time as stated above.

Rejoinder of Withdrawn Claims

Claims 11-18, 20, and 22-24 were previously withdrawn. Due to these claims being

U.S. Patent Application No. 09/900,533
Amendment After Final dated June 28, 2006
Reply to Final Office Action dated February 27, 2006
and Advisory Action dated June 8, 2006

dependent on claims that have been examined and are now in condition for allowance, these claims can be rejoined with the present application and also allowed for the same reasons previously provided. Accordingly, the Examiner is respectfully requested to rejoin these claims at this time.

Should there be any remaining issues regarding this application, the Examiner is encouraged to contact the undersigned by telephone.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No. 00087CIP (3600-295-01)
KILYK & BOWERSOX, P.L.L.C.
400 Holiday Court, Suite 102
Warrenton, VA 20186
Tel: (540) 428-1701
Fax.: (540) 428-1720